Public consultation on Cross-border parcel delivery

The Netherlands would like to thank the European Commission for the opportunity to respond to the public consultation on cross-border parcel delivery. We support the initiative of the Commission to obtain more facts and figures from various players on the delivery side and e-retailers as well as information on the perspective of the important stakeholders in the area of parcel delivery.

The European Commission notes in the Communication on a Digital Single Market Strategy for Europe[1] (hereafter referred to as: DSM-Communication) that stakeholders complain about a lack of transparency, the excessive costs of small shipments and the lack of inter-operability between the different operators typically involved in a cross-border shipment and the resulting lack of convenience for the final consumer. The Commission also notes that there is a self-regulatory initiative on quality and interoperability aspects like "track and trace" and faster delivery of parcels. The end of June the Commission will review the improvements made on these aspects. The Commission however notes that nothing has been done so far regarding the price dimension or regulatory oversight.

First of all, as also pointed out in the response to the Green Paper on cross-border parcel delivery[2], the Netherlands sees the market for cross-border parcel delivery as a competitive and dynamic market that is growing rapidly. In such markets we should be very hesitant with government intervention. Any action should be weighed against the risk of stifling competition and the added administrative burden that government intervention could cause. In that respect self-regulatory initiatives, within the limits of competition rules, are generally the preferred route to take as has been done in the Roadmap on cross-border parcel delivery[3]. The Netherlands therefore welcomes the DSM-Communication in which the Commission does not propose to intervene, but to first assess the self-regulatory measures taken by the industry.

Secondly, further actions, be it the promotion of further self-regulatory initiatives or government action on an EU level, should be based on a thorough assessment of the present situation. Facts and figures on the actual situation in the market are crucial. Improving price transparency for European deliveries, more in particular for small shipments as the Commission indicates, can be helpful in that respect. The initiative taken by the industry to bring transparency in list prices for cross-border parcel delivery within the EU can be seen as a positive contribution to this aim. More generally, without a further insight in prices and the differences in prices we cannot assess if there are indeed problems in the price dimension. Differences in prices can be caused by many aspects that involve competition and therefore these differences cannot be qualified as excessive without the necessary research being done. The Netherlands does not agree beforehand that there is an issue with affordability of cross-border parcel delivery.

In the DSM-Communication the Commission notes that regulatory oversight should be enhanced. Many national regulatory authorities (NRA's) have a limited mandate on the market of cross-border parcel delivery. Compared to the regulated postal market there is indeed less information available on the (mainly) unregulated market for parcel delivery. As the parcel market is (mainly) unregulated, normal competition rules apply, with the therein available tools for oversight and regulation. The Netherlands is currently not convinced that there is a lack of information with regard to the market for cross-border parcel delivery, when compared to other markets that are unregulated. There are also no indications that there is a lack of competence for the authorities. Therefore the Netherlands, at this point, does not see a compelling reason why a broader mandate than the NCA and NRA currently have is needed for the cross-border parcel delivery market.

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[1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Digital Single Market Strategy for Europe; COM(2015) 192 final
[2] Green Paper: An integrated parcel delivery market for the growth of e-commerce in the EU; COM(2012) 698 final
[3] A roadmap for completing the single market for parcel delivery; COM(2013) 886 final